

WEST VIRGINIA SECURITIES COMMISSION

STATEMENT OF POLICY

Active Military Reserve Refunds

May 1, 2008

The West Virginia Securities Commission (hereinafter referred to as "the Commission"), recognizes that the United States has called upon significant numbers of registered representatives who serve as reservists to serve in active duty in the United States military.

The Financial Industry Regulatory Authority, ("FINRA") has adopted Interpretive Material 1000-2 allowing Agent Reservists of its member broker-dealers to satisfy their military obligation without having their FINRA securities registration affected.

The FINRA/North American Securities Administrators Association, ("NASAA") CRD Steering Committee has adopted a Resolution encouraging NASAA jurisdictions to take action permitted under their statutes and regulations to refund or waive renewal fees for Agent Reservists.

West Virginia Code § 32-4-412(a) provides as follows: The Commissioner may from time to time make, amend and rescind such rules, forms and orders as are necessary to carry out the provisions of this chapter, including rules and forms governing registration statements, applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify securities, persons and matters within his jurisdiction, and prescribe different requirements for different classes.

West Virginia Code §32-4-412(b) provides that no order may be issued unless the Commissioner finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Upon review, the Commission finds that it is good public policy to support these registered representatives who have been called up to active duty in the military with minimal regulatory intervention.

Accordingly, it is the policy of the Commission that upon notification from FINRA that a registered representative has met its eligibility requirements for refunding FINRA/CRD renewal fees because of active military duty, the Commission will authorize the refund of state renewal fees by FINRA to the registered representative.

Glen B. Gainer, III
State Auditor
Commissioner of Securities

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